

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MARK BREAKIRON,

Petitioner,

V.

MARTIN HORN, Commissioner,
Pennsylvania Department of Corrections;
CONNOR BLAINE, Superintendent of the
State Correctional Institution at Greene, and
JOSEPH P. MAZURKIEWICZ,
Superintendent of the State Correctional
Institution at Rockview,

Respondents.

CIVIL ACTION

No. 00 - 300:

Judge Standish

THIS IS A CAPITAL CASE.

UNOPPOSED MOTION TO RESCHEDULE STATUS CONFERENCE

Petitioner, MARK DAVID BREAKIRON, through undersigned counsel, hereby requests that this Court grant his UNOPPOSED MOTION TO RESCHEDULE STATUS CONFERENCE and in support hereby states:

1. By order of October 3, 2005, the Court scheduled a status conference for October 21, 2005 at 3:00 p.m. to discuss discovery and the need for an evidentiary hearing.
2. Unfortunately, as of today's date, Petitioner has not yet received the remaining discovery documents from the Commonwealth. Per a telephone conversation today with counsel for the Commonwealth Christopher Carusone, these documents should be delivered by mail to our offices by early next week and consist of at least two boxes worth of material. As counsel

understands it, counsel for the Commonwealth has been very busy with pressing obligations in many other cases and has not had a chance to read through the material.

3. Undersigned counsel (and Petitioner) must review these documents in order to determine whether further discovery is necessary and the need for an evidentiary hearing.

4. Furthermore, undersigned counsel, Stuart Lev, is unable to attend the status conference on October 21, 2005, due to personal obligations. Mr. Lev would like to attend in person and respectfully asks the court to reschedule the conference to a later date.

5. Accordingly, Petitioner respectfully proposes delaying the status conference for approximately 20 days in order to give the Commonwealth an opportunity to provide Petitioner with the discovery and to allow Petitioner a chance to review it.

6. The Commonwealth has no objection to this Motion.

Respectfully submitted,

S/(James Anderston)

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